

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: April 5, 2018

----- X
DR. ALAN SACERDOTE, et al.,
:

Plaintiffs,
:

-v-
:

NEW YORK UNIVERSITY,
:

Defendant.
:
----- X

16-cv-6284 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

The Court has reviewed the parties' Daubert motions and the underlying expert reports. This includes:

1. Plaintiffs' motion to exclude Marcia Wagner and Daniel Fischel and to limit the testimony of Lassaad Adel Turki. (See ECF Nos. 198, 199, 246.)
 - a. Wagner's report may be found at ECF No. 200-02.
 - b. Fischel's report may be found at ECF No. 200-03.
 - c. Turki's report may be found at ECF No. 200-07.
2. Defendant's motion to exclude Michael DiCenso. (See ECF Nos. 202, 203, 236.)
 - a. DiCenso's report may be found at ECF No. 204-01.
3. Defendant's motion to exclude Gerald Buetow. (See ECF Nos. 205, 206, 240.)
 - a. Buetow's report may be found at ECF No. 206-02.
4. Defendant's motion to exclude Michael Geist. (See ECF Nos. 227, 228, 264.)

a. Geist's report may be found at ECF No. 229-01.

All such motions are DENIED. While the parties have identified a wealth of material for cross-examination, the Court does not find that any expert is subject to exclusion based on the arguments presented by the parties.

However, the Court finds that while Marcia Wagner is qualified as an expert, she may not opine as to the ultimate legal conclusion regarding prudence (e.g., she cannot make statements such as "NYU acted prudently" or the like). Her testimony at trial shall be limited to whether plan fiduciaries acted within or outside of the norm, etc.

The Clerk of Court is directed to close the open motions at ECF Nos. 198, 202, 205, and 227.

SO ORDERED.

Dated: New York, New York
April 5, 2018

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge